



CALIFORNIA CHAMBER of COMMERCE

December 17, 2004

VIA ELECTRONIC MAIL

Mr. Tim Hall
California Integrated Waste
Management Board
1001 I Street
Sacramento, CA 95814
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Mr. Dmitri Smith
California Integrated Waste
Management Board
1001 I Street
Sacramento, CA 95814
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**Re: Cal/EPA EJ Action Plan Implementation: California Chamber of Commerce
Preliminary Comments regarding the Definition of “Precautionary
Approached” or “Precautionary Approach”**

Dear Mr. Hall and Mr. Smith:

The California Chamber of Commerce (Chamber) is the largest broad-based business advocate in California representing over 14,000 businesses that employ one-fourth of the private sector workforce in the state. Seventy-Five percent of Chamber members employ fewer than one hundred employees. Following are the Chambers comments regarding the definition of “precautionary approaches” or “precautionary approach” under Cal/EPA’s Environmental Justice Action Plan (Action Plan).

The Chamber believes that it is appropriate for environmental justice programs to clearly define terms to ensure all stakeholders have a consistent and clear understanding of Agency policies.

The Chamber has reviewed comments submitted by the California Council for Environmental and Economic Balance (CCEEB), and agree with their recommended definition of “precautionary approach” as:

“Precautionary approach” means the application of judicious and responsible decision making based on best available science and on the

weighing of the level of scientific uncertainty and the potential risk of damage. A precautionary approach is based on the recognition that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

We agree with CCEEB that this definition captures the precautionary approach that Cal/EPA uses in its science-based decision-making. To achieve success it is important that implementation is reasonable and based on science.

Cal/EPA has been successful in improving environmental protection and you should not move away from the current path of focusing on scenarios where environmental problems are well documented. Additionally, a reasonable approach will allow BDOs to identify gaps in the area of precaution and take appropriate steps to address those gaps. However, it is critical that BDOs be keenly aware of the benefits of the product or action and the impacts on the state's economy and effects on job retention and job creation.

The Chamber appreciates your consideration of these comments and recognizes the difficult task at hand. I look forward to working with in the future activities related to precautionary approach. If you need to contact me regarding these comments you can reach me at 916.930.1265.

Regards,

Bruce A. Magnani
Legislative Advocate
California Chamber of Commerce

Via Electronic Mail

cc: The Honorable Dr. Alan Lloyd, Agency Secretary, CAL/EPA
The Honorable James Branham, Undersecretary, CAL/EPA
Ms. Tam Doduc, Deputy Secretary for Environmental Quality, CAL/EPA